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November 27, 2007

By Fax: (914) 390-4085

Hon. Charles L. Brieant
United States District Judge
United States Courthouse
300 Quarropas Street
White Plains, NY 10601
Attn: Mrs. Alice Cama

Re: Joseph A. Poggioli v. Patrick J. Carroll, individually and the City of New Rochelle, New
York, Docket No. 07 Civ. 6674 (CLB)
Our File No.: 07367.00065

Dear Judge Brieant:

We represent the defendants in the above-referenced action. Pursuant to paragraph 3(d) of the scheduling order, we took the deposition of plaintiff Joseph A. Poggioli on October 30, 2007 and must file the qualified immunity motion on or before November 29, 2007. We are writing to request a two-week extension for the deadline to file a summary judgment motion on grounds of qualified immunity.

I am involved in a trial in the Supreme Court of the State of New York, Suffolk County, with jury selection scheduled for November 28, 2007. *Ceffalia v. Simon Property Group*, Index No. 7547/01. Peter Meisels, Esq., the lead attorney on the above-referenced case, is involved in a trial in the United States District Court for the Southern District of New York scheduled to commence before the Hon. Harold Baer on December 4, 2007. *Brody v. Village of Portchester, et al.*, Docket No. 00 Civ. 7481 (HB).

I called the plaintiff's attorneys on November 26, 2007, to seek consent for the adjournment, but they have not returned the call. In light of above, we respectfully request a two-week adjournment extending the deadline for filing a summary judgment on qualified immunity grounds from November 29, 2007 until December 13, 2007.

Hon. Charles L. Bricant
November 27, 2007
Page 2

Respectfully submitted,

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP



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